CLEAN VERSION OF THE AMENDED CLAIMS

21. (Twice Amended) A communication device having a multi-rate speech coder that performs silence description coding of speech signal having varying characteristics comprising:

a voice activity detection circuit that is capable of identifying a substantially speech-like characteristic of a segment of the speech signal; and

a processing circuit communicatively coupled to the voice activity detection circuit, the processing circuit being capable of selectively applying one of a plurality of coding modes to the segment of the speech signal,

wherein the plurality of coding modes comprises a plurality of speech coding modes and a silence description coding mode,

wherein the processing circuit selects the silence description coding mode upon the identification of the absence of a substantially speech-like characteristic of the segment of the speech signal independent of the speech coding mode applied before the segment.

34. (Twice Amended) A method of coding a speech signal, comprising:

coding a first segment of the speech signal using a speech coding mode selected from a plurality of speech coding modes; and

coding a second segment of the speech signal using a silence description coding mode independent of the speech coding mode used to code the first segment of the speech signal.

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38. (Twice Amended) A communication system, comprising:

a coder;

a decoder; and

a communication network selectively interconnecting the coder and the decoder;

wherein the coder comprises a voice activity detector, a processor coupled with the voice

activity detector, and a transmitter coupled with the processor,

wherein the voice activity detector receives first and second segments of a speech signal

and identifies a substantially speech-like characteristic of the first segments and an absence of a

substantially speech-like characteristic of the second segment of the speech signal,

wherein the processor selectively applies one of a plurality of coding modes to the first

and second segments, the plurality of coding modes comprises a plurality of speech coding

modes and a silence coding mode,

wherein the processor applies the silence description coding mode to the second segment

of the speech signal independent of the speech coding mode applied to the first segments of the

speech signal.

46. (Twice Amended) A multi-rate codec that encodes a first speech signal having a first

plurality of segments and receives a second speech signal having a plurality of encoded

segments, comprising:

a multi-rate coder, wherein the multi-rate coder is capable of coding each of the segments of the first speech signal via one of a plurality of speech coding modes and a silence description coding mode, wherein the multi-rate coder selects the silence description mode when an absence of a substantially speech-like characteristic is detected in a segment independent of the speech coding mode applied to an earlier segment; and

a multi-rate decoder operatively coupled to the multi-rate coder, wherein the multi-rate decoder is capable of receiving and decoding the second plurality of encoded segments, wherein the multi-rate decoder selectively adds comfort noise to the decoded segment.